

E-FILED

12-24-2020, 08:00

Scott G. Weber, Clerk
Clark County

IN THE SUPERIOR COURT FOR THE STATE OF WASHINGTON
FOR THE COUNTY OF CLARK

CHRYSTAL REED, an individual,
Plaintiff,

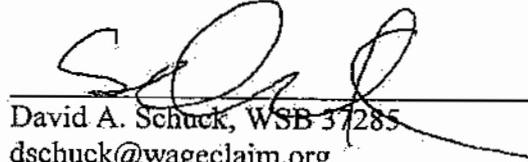
v.

SHIN-ETSU HANDOTAI AMERICA INC.,
a foreign corporation, *dba* SEH America,
Defendant.

Case No. 20-2-02464-06

SUMMONS (20 days)

TO SHIN-ETSU HANDOTAI AMERICA INC.: A lawsuit has been started against you in the above-entitled court by Chrystal Reed. Plaintiff's claim is stated in the written complaint, a copy of which is served upon you with this summons. In order to defend against this lawsuit, you must respond to the complaint by stating your defense in writing, and serve a copy upon the person signing this summons within 20 days after the service of this summons, excluding the day of service, or a default judgment may be entered against you without notice. A default judgment is one where plaintiff is entitled to what she asks for because you have not responded. If you serve a notice of appearance on the undersigned person you are entitled to notice before a default judgment may be entered. Any response or notice of appearance which you serve on any party to this lawsuit must also be filed by you with the court within 20 days after the service of summons, excluding the day of service. If you wish to seek the advice of an attorney in this matter, you should do so promptly so that your written response, if any, may be served on time. This summons is issued pursuant to Rule 4 of the Civil Rules for Superior Court of the State of Washington.



David A. Schuck, WSB 37285
dschuck@wageclaim.org
Attorney for Plaintiff
208 E 25th Street
Vancouver, WA 98663
Telephone Number: (360) 566-9243

DATED: December 23, 2020.

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ATTACHMENT A

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20.

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IN THE SUPERIOR COURT FOR THE STATE OF WASHINGTON
FOR THE COUNTY OF CLARK

10. **CHRYSTAL REED**, an individual,

11. Plaintiff,

12. v.

13. **SHIN-ETSU HANOTAI AMERICA INC.**,
14. a foreign corporation, *dba SEH America*,

15. Defendant.

Case No. 20-2-02464-06

COMPLAINT (Unlawful
Employment Discrimination)

Jury Trial Requested

16. COMES NOW the plaintiff Chrystal Reed, by and through the attorneys at Schuck
17. Law LLC, and for her complaint against Defendant alleges as follows:

18. **I. PARTIES**

19. 1. Plaintiff Chrystal Reed is an individual who at all times material resided in Clark
20. County, Washington.

21. 2. Defendant Shin-Etsu Handotai America Inc. (*dba*, and hereinafter, "SEH America" or
22. "SEH"; or "Defendant"), is a foreign corporation licensed and authorized to do business in the
23. state of Washington and which is doing business in Clark County.

24. **II. JURISDICTION / VENUE**

25. 3. Plaintiff was employed in Clark County, Washington; and all acts complained of
26. affecting her employment and giving rise to this litigation occurred in Clark County,

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1 Washington; and subject matter jurisdiction, personal jurisdiction, and venue are properly
2 before this Court.

3 **III. INTRODUCTION AND FACTS COMMON TO CLAIMS**

4 4. Defendant SEH America and its purported parent company, SEH Ltd., hold
5 themselves out as the world's largest manufacturer / producer of semiconductor silicon
6 wafers, which are used in computer circuits.

7 5. Plaintiff is currently employed by Defendant as Receiving Supervisor, where she has
8 consistently met and well exceeded Defendant's demands and requirements for a supervisor-
9 level position.

10 6. Defendant originally hired Plaintiff in 2007 in a lower-level position of senior operator
11 / production technician in its manufacturing operations.

12 7. At the time of hire, Plaintiff sought a Supervisor role as she already possessed
13 significant relevant experience, but Defendant told her she was not eligible because she had
14 not yet received her Associate's degree. Plaintiff was, at that time, mere weeks away from
15 completion of her Associate's; and as set out herein, Defendant routinely places men with no
16 college degrees in roles of Supervisor or above. Nonetheless, for Plaintiff it was a barrier to
17 entry, and so she was hired into the lower senior operator position.

18 8. Very promptly, Plaintiff excelled in her position and was given additional
19 responsibility. Equally promptly, Plaintiff began suffering the effects of Defendant's ongoing
20 and systemic sex discrimination in her pay and opportunities, all as set out herein.

21 9. Shortly after her hire in 2007, Defendant assigned Plaintiff the title and responsibilities
22 of Team Lead. While the Team Lead position ordinarily includes a pay raise, Defendant did
23 not pay Plaintiff the raise.

24 10. Plaintiff was the only female Team Lead in her department at that time. To her
25 knowledge, all the other Team Leads were male and all the male Team Leads received a pay
26 increase along with the Team Lead position.

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1 11. When Plaintiff inquired and complained about the failure to pay the raise for the Team
2 Lead position, Defendant's management gave her evasive answers such as that they were
3 "working on it," but did not correct the issue. As set out herein, such evasiveness would
4 become a clear pattern whenever Defendant was confronted with its inequities in pay and
5 opportunities that specifically disadvantage its women employees.

6 12. Plaintiff continued to excel in her work and was again given increased responsibility
7 in 2008, with a minor promotion to Shift Coordinator.

8 13. Plaintiff continued to excel in her work and, after a competitive application process,
9 was selected for promotion in 2010 to a Production Supervisor position. This was the type of
10 position Plaintiff had originally sought in 2007, but Defendant told her she was not eligible
11 because at that time she still had a few weeks remaining before completion of her Associate's
12 degree.

13 14. "Supervisor" is the lowest level of the supervisory- or managerial-level jobs discussed
14 further herein. Above Supervisor in position and pay is Senior Supervisor; above that,
15 Manager, and above that, generally, Vice President. Defendant has many Supervisor, Senior
16 Supervisor, Manager, and Vice President positions. Plaintiff understands that Defendant also
17 has one person with the title of "Director," which she further understands to be, as a matter of
18 "rank" within Defendant's management hierarchy, above Manager but below Vice President.

19 15. All of Defendant's Senior Supervisors are men. All but two of its Managers are men,
20 and one of the two women has a non-supervisory "Manager" role. All of its Vice Presidents
21 are men. Its Director and its Executive Vice President are also men.

22 16. As described further herein, in practice the distinction between the above titles and pay
23 grades is often not job duties or scope of responsibility, but rather they are a mechanism used
24 by Defendant to provide greater opportunity and pay to men than it affords to women.

25 17. Defendant's ultimate and key decisionmakers on matters of pay and promotion such as
26 those affecting Plaintiff are all men.

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1 18. At the time of her promotion to a Supervisor position in 2010, Plaintiff held an
2 Associate's Degree. When promoting Plaintiff to Supervisor, Defendant further informed
3 Plaintiff that she would not be considered eligible for any higher-level promotion until she
4 completed a Bachelor's degree.

5 19. As was true of her Associate's at the time of hire, Plaintiff was not far from
6 completing the degree Defendant demanded for advancement to a higher-level position. The
7 following year, 2011, she completed her Bachelor's in business with a science-based focus.
8 Plaintiff later went on to earn a science-focused MBA degree, which she completed in 2016.

9 20. After completing her Bachelor's degree, Plaintiff continued to inquire with her
10 managers and superiors about further opportunities for advancement. Defendant consistently
11 told her it had no positions available.

12 21. However, as set out herein, Defendant routinely finds or creates new positions in order
13 to provide advancement opportunities and greater pay to men that it denies to women –
14 including women such as Plaintiff who perform the same or highly comparable tasks and who
15 fulfill all Defendant's requirements for a higher-level position and / or for greater pay.

16 22. As also set out herein, Defendant routinely finds or creates such positions for male
17 employees even when those male employees do not meet the qualifications and criteria that
18 Defendant itself puts forth for the position, and although Defendant enforces those same
19 qualifications and criteria strictly against women applicants and / or candidates.

20 23. In the ten years since her 2010 promotion to Production Supervisor, Plaintiff has not
21 been promoted to a level above Supervisor, although she is qualified for and has sought a
22 higher-level position and although she currently performs the tasks of a higher-level position,
23 and although less-qualified and less-experienced men have been promoted above her.

24 24. As described herein, Defendant fails and refuses to promote women to positions above
25 Supervisor, despite their qualifications, and even when – as in Plaintiff's case – Defendant
26 demands that the female employee routinely perform higher-level work.

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1 25. Plaintiff continued to excel in her Production Supervisor position. Nonetheless, in
 2 2013, Defendant approached Plaintiff and informed her that it intended to transfer several
 3 women, including Plaintiff, into positions as “chedulers.” Plaintiff objected that such a
 4 transfer was an effective demotion in responsibilities and in opportunities for further
 5 advancement.

6 26. Unwilling to be demoted into a “scheduler” role, Plaintiff then applied for two open
 7 positions with Defendant. One was a different Production Supervisor / Senior Supervisor
 8 position. Senior Supervisor is a step above Supervisor in title and pay, and Defendant’s job
 9 posting stated that the difference in pay and title would be determined by whether the
 10 successful applicant possessed a college degree and relevant experience. Plaintiff had both.
 11 The other position was a newly-created position of Asset Removal Specialist. This latter
 12 position was one of responsibility for the inventory, tracking, repurposing, recycling, sale, and
 13 disposal of Defendant’s unused or outmoded industrial equipment, its hazardous and
 14 regulated chemicals and wastes, and its valuable materials used in production (such as gold
 15 and other costly metals).

16 27. This was the last time Defendant posted an open application process for any potential
 17 opportunity for a Senior Supervisor role, although it has since awarded several Senior
 18 Supervisor and even Manager titles and pay raises to men without any application process or
 19 competitive hiring process.

20 28. At the time she applied for these two positions in 2013, Plaintiff possessed the
 21 required Bachelor’s degree that Defendant claimed would distinguish a Senior Supervisor
 22 from a Supervisor; and she had already held a Production Supervisor position with Defendant
 23 for three years and performed well in that role. She also possessed unique skills and
 24 qualifications for the Asset Removal position, which Defendant has acknowledged. These
 25 include a knowledge of environmental regulations and best practices that is of essential
 26 benefit to Defendant for a job charged with the management of its hazardous and regulated

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1 wastes and materials.

2 29. Defendant ultimately selected Plaintiff for the Asset Removal role.

3 30. Despite the substantial scope of responsibility assigned to her and the fact that she met
4 all of Defendant's criteria for Senior Supervisor title and pay, Defendant placed Plaintiff in
5 the Asset Removal position at the Supervisor level, the same as the Production Supervisor
6 position that Plaintiff had already held.

7 31. Defendant employs absolutely no women as Senior Supervisors. All its Senior
8 Supervisors are men.

9 32. To Plaintiff's knowledge, Defendant also followed through with its 2013 plan to
10 demote other women employees into dimunitive "scheduler" roles – and to Plaintiff's
11 knowledge, some are still stuck there.

12 33. By this time, Plaintiff was further beginning to take note of Defendant's pattern of
13 offering promotions and substantial pay raises – sometimes into newly-created job titles – to
14 male employees, virtually always without a job posting for an open position or any kind of
15 competitive hiring process. Defendant never offers these opportunities to women. Indeed,
16 each time Plaintiff inquired about opportunities for further advancement, she was told she'd
17 need to wait for Defendant to advertise an open position and then apply and compete for it.

18 34. Also in 2013, Defendant created a new Production Supervisor position, which it gave
19 to a male employee with no previous supervisory experience and who did not hold a
20 Bachelor's degree or any advanced degree. Within about two years, Defendant advanced that
21 man to a Senior Production Supervisor position, without any posting of an available job or
22 any competitive hiring process.

23 35. By contrast, when Plaintiff applied for a Senior Production Supervisor position in
24 2013, she already possessed three years of supervisory experience for Defendant and held a
25 Bachelor's degree. In 2015, when this male employee was given a Senior Supervisor title and
26 pay raise, Plaintiff possessed five years of supervisory experience – three specifically as a

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1 Production Supervisor – compared to this man’s two years of experience. Although she
2 possessed both more experience and more education than the male employee who was given a
3 Senior Supervisor promotion and pay raise, Plaintiff was not then, and still has not been,
4 given the Senior Supervisor title and pay raise, nor even any opportunity to compete for it.

5 36. While Defendant awarded the above individual the higher Senior Supervisor title and
6 pay raise without any application or competitive process, Plaintiff has consistently been told –
7 and continued to be told – that she must wait for an open posting and compete for it.

8 37. Defendant did not then, does not now, and to Plaintiff’s knowledge never has
9 employed any women as Senior Supervisors.

10 38. In 2015, Defendant also awarded another male employee another Senior Supervisor
11 title and pay raise, and awarded two more men the title and pay raise of Production Manager,
12 a step above Senior Supervisor and two steps above Supervisor. Again, Defendant did all this
13 without any posting of an available job or any competitive hiring process. One of those men
14 was hired at the same time as Plaintiff, who was still then (and still is) only at the Supervisor
15 position level.

16 39. Defendant has argued and admitted that the male employee to whom it awarded a
17 Senior Supervisor title and pay raise in 2015 has a substantial overlap of duties and spheres of
18 responsibility with that of Plaintiff, yet it denied and continues to deny Plaintiff the
19 commensurate title and pay.

20 40. In 2016, Defendant again awarded Senior Supervisor and Manager titles and pay
21 increases to yet two more male employees, and yet again without any posting of an available
22 job or any competitive hiring process. To Plaintiff’s knowledge, neither man possesses any
23 college degree, although Defendant told Plaintiff that an absolute requirement for a promotion
24 to Senior Supervisor or above was that the applicant hold, at minimum, a Bachelor’s degree.

25 41. Also in 2016, as Defendant was internally awarding greater promotions and pay raises
26 to male employees with no degrees as set out above, Plaintiff completed her MBA with a

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1 science-related focus.

2 42. To Plaintiff's knowledge, none of Defendant's Senior Supervisors or Managers hold
3 an advanced degree except one, who Defendant has characterized as having a particularly
4 specialized and technical position.

5 43. Throughout this entire time period, Plaintiff continued to ask her managers and
6 superiors about opportunities for advancement to Senior Supervisor and above. Each time,
7 Plaintiff was rebuffed and told that she must wait for an open posting and compete for it.

8 44. Beginning in or around 2017 and 2018, two "management-level" employees began to
9 require increasing amounts of leave from work due to personal and / or health reasons. These
10 were Warehouse Supervisor Gary Moe, and Purchasing Manager Penny Bohanan.

11 45. Plaintiff worked closely with both these individuals and reported to Ms. Bohanan for
12 some years. To her knowledge, Ms. Bohanan is one of only three women who Defendant has
13 ever advanced above the Supervisor level, although it has roughly two dozen Senior
14 Supervisor and Manager positions and perhaps more, as well as about a half-dozen Vice
15 President positions above Manager which are all held by men, and a Director and an
16 Executive Vice President position that are also both held by men.

17 46. As both Mr. Moe and Ms. Bohanan needed to be increasingly absent, both relied on
18 Plaintiff to "cover," and ultimately to assume, their duties. Ms. Bohanan expressly wished to
19 train Plaintiff as her replacement for the higher-level Purchasing Manager position.

20 47. Ms. Bohanan approached one of Defendant's all-male vice presidents to discuss a plan
21 to ultimately promote Plaintiff into the Purchasing Manager job. The Vice President
22 dismissed the idea, stating that "women need thick skin for management" and that Plaintiff
23 "didn't have thick enough skin."

24 48. Plaintiff has since heard other women complain that they were also subjected to
25 similar sexist comments and criticisms on other occasions when Defendant's all-male upper
26 management was approached about promoting a woman.

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1 49. Defendant has since used similarly sexist and dismissive language toward Plaintiff in
2 her complaints of sex-based discrimination, such as characterizing her complaints as “petty,”
3 and characterizing Plaintiff as “impatient” and “distraught” for raising those complaints.

4 50. Frustrated at the gender-based obstacles to advancement, Plaintiff asked one of the
5 three female Managers how she had secured a promotion to a role above Supervisor. The
6 Manager told Plaintiff that she had directly confronted Defendant’s top-level management
7 about Defendant’s lack of diversity and its failure to promote any women into upper-level
8 supervisory and management jobs.

9 51. As Mr. Moe and Ms. Bohanan continued to increasingly need to be absent, Defendant
10 increasingly relied on Plaintiff to perform many or most of their duties and expressly charged
11 her with many such critical tasks, all in addition to her existing scope of duties as Asset
12 Removal Specialist,

13 52. In and around 2018 and 2019, both Mr. Moe and Ms. Bohanan found themselves
14 unable to continue in their positions, and resigned.

15 53. The very next day after Ms. Bohanan announced her resignation, Plaintiff contacted
16 Defendant’s management and / or human resources and asked to be considered for the
17 position, for which she had been specifically trained, and many duties of which she was
18 already being tasked with performing. Again, she was rebuffed and given evasive answers.

19 54. In response to the retirements of Mr. Moe and Ms. Bohanan, Defendant re-delegated
20 the vast bulk of Mr. Moe’s duties to Plaintiff, in addition to a substantial number of Ms.
21 Bohanan’s duties, all along with her existing duties as Asset Removal Specialist.

22 55. Defendant argues and admits that a distinguishing factor between Supervisor and
23 Senior Supervisor titles and pay is that Senior Supervisors oversee at least one functional
24 department, and in some cases absorb duties from two pre-existing jobs. Although Plaintiff
25 has not observed this to always be true, she understands that Defendant puts this distinction
26 forth, at least on paper.

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1 56. In re-delegating the vast majority of Mr. Moe's duties along with a sizable share of
2 Ms. Bohanan's duties to Plaintiff on top of Plaintiff's already-existing duties, Defendant
3 changed Plaintiff's title to Receiving Supervisor. This is, again, at the same level of
4 management position – the lowest level, Supervisor – that Plaintiff has held since 2010. This
5 is the level to which Defendant relegates women.

6 57. Plaintiff protested that she met or exceeded all of Defendant's criteria for a Senior
7 Supervisor position and was being required to perform work at a Senior Supervisor or
8 Manager level, having absorbed the duties of multiple positions and being tasked with a wide
9 array of complex responsibilities including oversight of one or more departments. Again, she
10 was rebuffed and relegated to the lower-level Supervisor title and pay, which she had held
11 since 2010.

12 58. Defendant paid Mr. Moe, the former Warehouse Supervisor, substantially more than it
13 paid Plaintiff, who absorbed most of the Warehouse Supervisor's duties in addition to the
14 duties of her own Supervisor-level position and some of the duties of a Manager-level
15 position.

16 59. Around this same time, Defendant promoted yet another male Supervisor to yet
17 another newly-created Senior Supervisor position, once again without any job posting for an
18 open position and without any application or competitive hiring process.

19 60. Defendant has argued and admitted that it created the new promotion and pay raise for
20 the above male employee because he had worked closely with Ms. Bohanan or Mr. Moe or
21 both, and was being tasked with absorbing some of their duties.

22 61. But the same is true of Plaintiff, who Ms. Bohanan had selected and trained to be her
23 replacement, and who was tasked to absorb virtually all of Mr. Moe's duties; yet, Plaintiff, a
24 woman, was again denied the advancement in title and pay although she performed fully
25 commensurate if not greater duties than her male colleague and had repeatedly requested
26 advancement.

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1 62. Also in or around 2019, one of Defendant's two remaining female employees who held
 2 a higher-level management position requested a lateral transfer in job duties and title, from
 3 one Manager position to another, to which Defendant agreed.

4 63. Along with transferring the above Manager to the position she desired, Defendant
 5 created yet another brand-new Senior Supervisor position and once again awarded it to a male
 6 employee without any job posting or competitive process. This male employee had not even
 7 ever held a lower-level Supervisor job for Defendant.

8 64. Defendant's general job description for a Senior Supervisor requires a minimum of
 9 five years' supervisory experience. Plaintiff, at this point, had been working for Defendant as
 10 a Supervisor for nine years. The male employee upon whom Defendant bestowed the newly-
 11 created Senior Supervisor promotion and pay raise had no experience as a Supervisor.

12 65. Defendant approached Plaintiff about taking over this male employee's former job and
 13 job duties. Again, this was not proposed as any kind of a promotion. Plaintiff declined.

14 66. In early 2020, Defendant publicly posted an open application and competitive hiring
 15 process for the position of Purchasing Manager, which Ms. Bohanan had vacated, and for
 16 which Ms. Bohanan had trained Plaintiff as a replacement, and in which Plaintiff had already
 17 expressed interest and a desire to take on the position, and many of the duties of which
 18 Plaintiff already had performed and / or was continuing to perform.

19 67. Although Defendant had awarded Senior Supervisor and Manager titles and pay raises
 20 to quite a number of men, most or all without any open job posting or competitive process, the
 21 Purchasing Manager job was the first time Defendant had posted an opening and advertised a
 22 competitive process for a position above the Supervisor level since 2013 – the year Plaintiff
 23 had applied for its last “open” Senior Supervisor jobs but was instead given the then-newly-
 24 created Asset Removal position at the same Supervisor level of title and pay that she had
 25 already held since 2010, and the same level of title she continued to hold despite having since
 26 absorbed a great many additional duties at Defendant's command.

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1 68. Plaintiff applied for the Purchasing Manager position for which the job's prior
 2 occupant had trained her, and the duties of which she was already performing in part.
 3 Defendant gave the position to an outside hire, who is male.

4 69. Plaintiff, who remains a Supervisor, has since had to train the new male Purchasing
 5 Manager, who is two levels above her in job title and general pay grade.

6 70. Plaintiff also continues to perform many of the tasks and duties of the Purchasing
 7 Manager position and to be delegated or assigned to perform those tasks, including by the new
 8 Purchasing Manager.

9 71. Defendant has required Plaintiff to report to several of the male employees who were
 10 promoted above her, despite Plaintiff having greater experience, education, and qualification
 11 than those male employees.

12 72. Defendant, along with one or more of the male employees whom it promoted above
 13 Plaintiff and to whom it required Plaintiff to report, has and have engaged in continuing
 14 patterns of retaliation against Plaintiff ever since Defendant learned that Plaintiff intended to
 15 pursue legal complaints against it. These have included but are by no means limited to
 16 undermining her authority over tasks and employees she supervises, diminishing her access to
 17 necessary work tools and / or work areas, flat-out countermanding her instructions over areas
 18 she supervises and / or permitting subordinate employees to do so, excluding her from
 19 meetings and / or conversations with direct impact on areas she supervises and for which she
 20 is responsible, and imposing a vacation restriction policy that Defendant applied solely and
 21 only to Plaintiff and in which it expressly referenced her vacation, and under which it
 22 subjected Plaintiff and only Plaintiff to special restrictions that were not applied to any other
 23 employees who took comparable vacations under similar conditions.

24 73. On average, Defendant promotes men into Supervisor positions roughly twice as
 25 quickly as it promotes women into those positions. Phrased another way: the time from hire
 26 to promotion to a Supervisor position is for men about half that which it is for women.

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1 74. On average, Defendant promotes men into the higher-level Senior Supervisor
2 positions more quickly than it promotes women to even the lower-level Supervisor positions.

3 None of Defendant's Senior Supervisors are women.

4 75. Plaintiff has often heard Defendant's employees, including various supervisory-level
5 employees, refer to Defendant's all-male group of Senior Supervisor and nearly-all-male group
6 of Managers as a "good ol' boys' club" or similar words to that effect.

7 76. Plaintiff has heard other female Supervisors complain that they are also assigned the
8 tasks and responsibilities that Defendant asserts are characteristic of higher-level management
9 positions, but they are denied the corresponding title and pay.

10 77. Plaintiff has heard other female Supervisors complain that Defendant's upper
11 management responds with sexist comments and critiques when approached about promoting
12 a woman to a position above Supervisor.

13 78. On average, Defendant pays its male Supervisors more than it pays its female
14 Supervisors; and on information and belief, it pays most male Supervisors more than it pays
15 Plaintiff for similar or even greater work. On further information and belief, this sex-based
16 pay discrepancy is also true of its male and female Managers, which to Plaintiff's knowledge
17 is the highest-ranking position ever attained by any woman ever employed by Defendant.

18 79. To Plaintiff's knowledge, only three women have ever attained a title above
19 Supervisor or the pay raise that comes with such higher-level management positions within
20 Defendant's business. All of its Senior Supervisors are men. All but two of its Managers are
21 men. All its Vice Presidents are men. Its Director and its Executive Vice President are men.

22 80. Plaintiff has complained to Defendant about its rapid advancement of multiple male
23 employees as compared to its failure to advance any women, and about its failure to pay
24 women – including herself – comparably with men of equal title and / or substantially similar
25 scope of work and responsibility. Plaintiff has protested and objected to Defendant's unlawful
26 practices and to its culture of discrimination.

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1 81. The explanations that Defendant has given Plaintiff for the rapid advancement of
2 multiple male employees and the failure to advance any women rely on highly subjective
3 criteria subject to both implicit and explicit bias, and which evidence a culture of
4 discrimination just as Plaintiff complains. To the extent that Defendant puts forth objective
5 criteria for job positions or for advancement, it readily waives those criteria for men while
6 strictly enforcing them against women, and / or claims to assign value to qualifications in
7 male employees while discounting those same qualifications in women employees.

8 82. There is no process at Defendant's business through which women can attain positions
9 above Supervisor. Defendant only advertises upper-level management positions when it seeks
10 to deny such positions to well-qualified women employees, whereas it readily awards
11 promotions and pay increases to men without application or competitive process. Its policies
12 and practices encourage sex-based bias in assessing and applying criteria for promotion. To
13 the extent it employs any objective criteria, it enforces them harshly against women but
14 waives them for men, and it discounts the same qualifications in women employees that it
15 ascribes value to in men. Its job descriptions and promotion descriptions do not even
16 reference equal employment opportunities. Its decisionmaking is frequently based on gender
17 stereotypes that disadvantage women.

18 83. Plaintiff further understands that a number of women in Defendant's employ have
19 made either formal or informal complaint of Defendant's culture and practice of sex-based
20 discrimination. Defendant is aware of the discrimination, and fosters and perpetuates it.

21 84. The above-listed examples of Defendant's policy and culture of sex discrimination,
22 and of its unlawful and discriminatory practices and conduct towards Plaintiff, are non-
23 exhaustive. Plaintiff reserves the right to raise additional facts and / or to amend her
24 Complaint in accordance with the evidence and as continuing facts develop.

25 ///

26 ///

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1 **IV. CLAIMS**

2 **CLAIM ONE: VIOLATIONS OF TITLE VII**

3 **Sex Discrimination**

4 85. Plaintiff reasserts and incorporates by reference all paragraphs, as though fully set
5 forth herein again.

6 86. Defendant discriminated and continues to discriminate against Plaintiff in violation of
7 Title VII of the Civil Rights Act, 42 USC 2000-e *et. seq.*, by paying her less than her male
8 counterparts and colleagues with similar jobs, job titles, and / or responsibilities, for work
9 performed under the same or similar circumstances.

10 87. Defendant discriminated and continues to discriminate against Plaintiff in violation of
11 42 USC 2000-e *et. seq.* by denying her the title and pay commensurate with the work and
12 responsibility it requires of her position.

13 88. Defendant discriminated and continues to discriminate against Plaintiff in violation of
14 42 USC 2000-e *et. secq.* by denying her the title and pay commensurate with the work and
15 responsibility of her male counterparts and colleagues with similar jobs and / or
16 responsibilities, for work performed under the same or similar circumstances.

17 89. Defendant discriminated and continues to discriminate against Plaintiff in violation of
18 42 USC 2000-e *et. seq.* by failing to advance Plaintiff to positions for which Plaintiff was
19 better qualified than her male counterparts.

20 90. Defendant has treated and continues to treat Plaintiff disparately and less favorably
21 than her male counterparts and colleagues with respect to her wages, position, and other terms
22 and conditions of employment.

23 91. Defendant's policies, procedures, and practices have produced and continue to
24 produce a disparate and disadvantageous impact on Plaintiff and other women with respect to
25 wages, position, and other terms and conditions of employment.

26 92. Defendant has denied and continues to deny Plaintiff equal terms, conditions, benefits,

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1 and privileges of employment, all because Plaintiff is a woman.

2 93. Defendant's unlawful and discriminatory practices and policies, and its unlawful and
3 discriminatory treatment of Plaintiff, have persisted throughout the course of Plaintiff's
4 employment with Defendant and are continuing through the present day.

5 94. Rather than putting a stop to its unlawful practices, Defendant has responded and is
6 continuing to respond to Plaintiff's complaints by retaliating against Plaintiff in a manner
7 intended to discourage Plaintiff from pursuing her legal rights and remedies and to punish her
8 for objecting to Defendant's unlawful sex discrimination.

9 95. Plaintiff has exhausted her administrative remedies and her Complaint against
10 Defendant is timely filed.

11 96. Plaintiff has sustained and continues to sustain damages as a result of Defendant's
12 discriminatory conduct.

13 97. Defendant's unlawful conduct has been and is deliberate, willful, malicious, and / or
14 conducted in reckless and callous disregard for the law and for Plaintiff's rights.

15 98. Plaintiff seeks all damages and remedies available to her pursuant to Title VII of the
16 Civil Rights Act, including damages in the form of all lost wages and compensation incurred
17 as a result of Defendant's continuing discriminatory conduct and its continuing violations of
18 the law; damages for her distress, inconvenience, and loss of opportunity; interest on all
19 amounts due her; costs and attorneys' fees; and punitive damages as authorized by Title VII.

20 **CLAIM TWO: VIOLATIONS OF WLAD**

21 **Sex Discrimination**

22 99. Plaintiff reasserts and incorporates by reference all paragraphs, as though fully set
23 forth herein again.

24 100. The acts and allegations set out herein constitute violations of the Washington Law
25 Against Discrimination (WLAD), RCW ch. 49.60.

26 101. Plaintiff has sustained and continues to sustain damages as a result of Defendant's

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1 discriminatory conduct.

2 102. Defendant's unlawful conduct has been and is deliberate, willful, malicious, and / or
3 conducted in reckless and callous disregard for the law and for Plaintiff's rights.

4 103. Plaintiff seeks all damages and remedies available to her pursuant to WLAD, RCW
5 ch. 49.60, including damages in the form of all lost wages and compensation incurred as a
6 result of Defendant's continuing discriminatory conduct; damages for her distress,
7 inconvenience, and loss of opportunity; interest on all amounts due to her; costs and
8 attorneys' fees; and any other equitable or other remedy authorized by the Court and / or
9 available under Title VII, as allowed by WLAD.

10 **CLAIM THREE: VIOLATIONS OF WA-EPA**

11 **Pay Inequity Based on Sex / Denial of Opportunity Based on Sex**

12 104. Plaintiff reasserts and incorporates by reference all paragraphs, as though fully set
13 forth herein again.

14 105. The acts and allegations set out herein constitute violations of the Washington Equal
15 Pay Act (WA-EPA), RCW ch. 49.58.

16 106. Defendant has discriminated and continues to discriminate against Plaintiff on the
17 basis of sex in terms of compensation and opportunities, and denies her equal pay and / or title
18 to that of male employees who are similarly situated and perform similar work.

19 107. Plaintiff has sustained and continues to sustain damages as a result of Defendant's
20 discriminatory conduct.

21 108. Defendant's unlawful conduct has been and is willful.

22 109. Plaintiff seeks all damages and remedies available to her pursuant to WA-EPA, RCW
23 ch. 49.58, including damages in the form of all lost wages and compensation incurred as a
24 result of Defendant's continuing discriminatory conduct; damages for her distress,
25 inconvenience, and loss of opportunity; liquidated and / or statutory damages; interest on all
26 amounts due to her; costs and attorneys' fees; and any other equitable or other remedy

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1 authorized by RCW ch. 49.58.

2 **CLAIM FOUR: UNLAWFUL RETALIATION**

3 **IN VIOLATION OF TITLE VII, WLAD, AND WA-EPA**

4 110. Plaintiff reasserts and incorporates by reference all paragraphs, as though fully set
5 forth herein again.

6 111. Defendant has engaged in continuing patterns of retaliation against Plaintiff ever since
7 Defendant learned that Plaintiff intended to pursue legal complaints against it. These have
8 included but are by no means limited to undermining her authority over tasks and employees
9 she supervises, diminishing her access to necessary work tools and / or work areas, flat-out
10 countering her instructions over areas she supervises and / or permitting subordinate
11 employees to do so, excluding her from meetings and / or conversations with direct impact on
12 areas she supervises and for which she is responsible, and imposing a vacation restriction
13 policy that Defendant applied solely and only to Plaintiff and in which it expressly referenced
14 her vacation, and under which it subjected Plaintiff and only Plaintiff to special restrictions
15 that were not applied to any other employees who took comparable vacations under similar
16 conditions.

17 112. Defendant's retaliatory conduct displays its wilfulness, malice, spite, and reckless and
18 wanton disregard for Plaintiff's rights and for Plaintiff's equal opportunities and treatment in
19 her employment.

20 113. Plaintiff has sustained and continues to sustain damages as a result of Defendant's
21 discriminatory conduct.

22 114. Plaintiff seeks all damages and remedies available to her under Title VII, WLAD, and
23 WA-EPA due to her by reason of Defendant's retaliatory conduct, which may include but are
24 not limited to the right to seek injunctive relief for any continuing or escalating acts of
25 retaliation.

26 ///

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1 **V. DAMAGES**

2 115. Plaintiff is entitled to all lost wages and compensation incurred as a result of
3 Defendant's continuing discriminatory conduct and its violations of Title VII, WLAD, and
4 WA-EPA, in an amount to be determined by a jury at trial and after discovery is complete, but
5 initially estimated at not less than \$105,000.00.

6 116. Plaintiff is entitled to damages for her distress, inconvenience, and loss of opportunity
7 as authorized by Title VII, WLAD, and WA-EPA, in an amount to be determined by a jury at
8 trial, but anticipated to be not less than \$100,000.00.

9 117. Plaintiff is entitled to all and any other actual damages, compensatory damages, and /
10 or out-of-pocket expense reimbursement due to her as a result of Defendant's unlawful
11 conduct and practices that are authorized by Title VII, WLAD, and WA-EPA, in amounts to
12 be proven at trial.

13 118. Plaintiff is entitled to punitive damages as authorized by Title VII, up to the maximum
14 amount so authorized under Title VII and / or 42 USC 1981a.

15 119. Plaintiff is entitled to liquidated and / or statutory damages as authorized by WA-EPA.

16 120. Plaintiff is entitled to pre- and post-judgment interest on any and all amounts awarded.

17 121. Plaintiff is entitled to her costs, disbursements, and attorney fees pursuant to Title VII,
18 WLAD, and WA-EPA.

19 122. Plaintiff is entitled to damages for the tax consequences of any damage award.

20 123. Plaintiff reserves the right to seek any other available relief, including injunctive relief
21 or other equitable relief as authorized by law.

22 124. Plaintiff reserves the right to seek relief and remedies for any defense or counterclaim
23 asserted by Defendant in bad faith and / or without foundation, including but not limited to
24 any costs or fees incurred.

25 **VI. JURY DEMAND**

26 125. Plaintiff requests trial by jury on all claims and all issues.

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1 **VII. PRAYER FOR RELIEF**

2 WHEREFORE, Plaintiff prays for entry of judgment against Defendant for:

- 3 1. All lost / unpaid wages;
- 4 2. Further compensatory damages for Plaintiff's distress and / or expenses;
- 5 3. Liquidated / statutory damages;
- 6 4. Costs, disbursements, and attorneys' fees;
- 7 5. Pre- and post-judgment interest;
- 8 6. Tax consequences of any general damage award; and
- 9 7. Any other relief deemed appropriate by the Court.

10

11 DATED: December 23, 2020.

12

13 s/ Leslie E. Baze
14 LESLIE E. BAZE, OSB 103326, WSB 45781
15 lbaze@wageclaim.org
16 Attorney for Plaintiff

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